



State of New Jersey

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DEPARTMENT OF HUMAN SERVICES
DIVISION OF FAMILY DEVELOPMENT
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TRENTON, NJ 08625-0716

NATASHA JOHNSON
Assistant Commissioner

The following Decision is distributed for your information. This Decision has been made in consideration of the specific facts of this case. This Decision is not to be interpreted as establishing any new mandatory policy or procedure otherwise officially promulgated.

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES

FINAL DECISION

OAL DKT. NO. HPW 04126-21 D.B.

AGENCY DKT. NO. S462293012 (MIDDLESEX COUNTY BD. OF SOC. SVCS.)

Petitioner appeals from the Respondent Agency's termination of Emergency Assistance ("EA") benefits, and the imposition of a six-month period of ineligibility for EA benefits: The Agency terminated Petitioner's EA benefits, and imposed a six-month EA ineligibility penalty, contending that he violated motel/shelter rules by cooking in his motel room. Because Petitioner appealed, the matter was transmitted to the Office of Administrative Law for a hearing. On June 8, 2021, the Honorable David M. Fritch, Administrative Law Judge ("ALJ"), held a telephonic plenary hearing, took testimony, and admitted documents.

On June 24, 2021, the ALJ issued an Initial Decision, affirming the Agency's determination. Here, the ALJ found, and the record substantiates, that Petitioner knowingly violated motel health and safety policy rules by cooking in his motel room, resulting in his termination from his motel placement. See Initial Decision at 4-5, 7-9; see also Exhibits R-8, R-10, R-11, R-13 and N.J.A.C. 10:90-6.3(c) (5). Specifically, the ALJ found that the Agency Investigator's first hand observations, "Hotel Incident Form," photographs, and testimony provided competent evidence to substantiate the fact that Petitioner had been cooking in his motel room, without permission, on a number of occasions in violation of motel rules. See Initial Decision at 7-9; see also Exhibit R-11. The ALJ also found credible the Agency representatives' testimony that Petitioner had admitted to them that he had been cooking in his motel room. See Initial Decision at 5, 8-9. Although Petitioner claimed that he had permission from motel management to cook in his room, that the cooking appliances had not been used for cooking, that he was required to cook his own food due to health issues, and that he could not remember admitting to the Agency Investigator or the Agency representatives that he had been cooking in his room, the ALJ found that Petitioner had failed to provide any corroborative evidence or credible testimony to substantiate those claims. *Id.* at 7-9. Of note, after Petitioner's motel termination, the Agency had offered him two alternative motel placements, but Petitioner refused said placements. *Id.* at 5, 10. Based on the foregoing, the ALJ found that Petitioner had violated motel/shelter rules, without good cause, and as such, concluded that the Agency's termination of Petitioner's EA benefits, and the imposition of a six-month EA ineligibility penalty, were proper and must stand. *Id.* at 9-12; see also Exhibit R-14, and N.J.A.C. 10:90-6.3(c)(5). I agree.



No Exceptions to the Initial Decision were received.

As Assistant Commissioner, Division of Family Development, Department of Human Services, I have considered the ALJ's Initial Decision, and following an independent review of the record, I concur with the ALJ's final conclusion in this matter and hereby ADOPT the Findings of Fact and Conclusion of Law.

By way of comment, as Petitioner has been receiving continued assistance pending the outcome of this fair hearing, the six-month EA ineligibility penalty shall begin to run as of the date of the issuance of this Final Agency Decision. See Initial Decision at 12.

Accordingly, the Initial Decision is hereby ADOPTED, and the Agency's determination is AFFIRMED.

Officially approved final version.

JUL 13 2021

Natasha Johnson
Assistant Commissioner

